

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA**

1. MARK SCHOGGINS,  
PERSONAL REPRESENTATIVE of  
the ESTATE of MARK ANSON  
SCHOGGINS, Deceased,

Plaintiff,

vs.

Case No. 21-cv-133-JFH

1. STATE OF OKLAHOMA, EX REL.  
OKLAHOMA HIGHWAY PATROL,  
2. CITY OF McALESTER,  
OKLAHOMA, a municipality,  
3. GARRET GRAY, individually,  
4. JAMES McKEE, individually,

Defendants.

**DEFENDANT CITY OF McALESTER'S PRELIMINARY WITNESS LIST**

The following witnesses are expected to be called at the time of trial:

No.	Witness	Expected Testimony
1	Patrolman Chuck Sutterfield 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Observed vehicle meeting description of shoplifting call; attempted to make traffic stop; followed Plaintiff's decedent and advised that he was eluding; observed Plaintiff's decedent left of center, driving at a high rate of speed, striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent.
2	Captain Brent McAlester 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Responded to vehicle pursuit call; monitored pursuit; requested Chief, Deputy Chief and CID to come to scene.
3	Chief Gary Wansick, retired 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Hiring, training and supervision of McAlester police officers; complaints and its process; Officer Sutterfield's performance; Captain McAlester's performance; policies and

		procedures.
4	Deputy Chief Darrell Miller 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Hiring, training and supervision of McAlester police officers; complaints and its process; Officer Sutterfield's performance; Captain McAlester's performance; policies and procedures.
5	Chief Kevin Hearod, current 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Hiring, training and supervision of McAlester police officers; complaints and its process; Officer Sutterfield's performance; Captain McAlester's performance; policies and procedures.
6	Patrolman Jacob Schiller 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Responded to vehicle pursuit call; observed Plaintiff's decedent left of center, driving at a high rate of speed, striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent.
7	Patrolman Warner Bedford 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Responded vehicle pursuit call; stopped southbound traffic; observed Plaintiff's decedent left of center, driving at a high rate of speed, striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent.
8	Patrolman Kyle Sharp 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Responded to vehicle pursuit call; attempted to place spike strips; responded to scene.
9	Patrolman Trey Roberts 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Responded to vehicle pursuit call; responded to scene.
10	Lt. Robert J. Cox 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Monitored pursuit; responded to scene.
11	Patrolman Chris Kennon 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Took photos of the crime scene.
12	Jerry Pool 302 East South Ave McAlester, Oklahoma 74501	Observed Plaintiff's decedent striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent.
13	Paul L. Taylor PhD	Expert witness retained by Plaintiff. Expert in police decision-making and training. Will offer

	5856 South Lowell Boulevard, Suite 23-267 Littleton, CO 80123	opinions and conclusions regarding actions by officers and troopers involved.
14	Alamo Clerk 1 205 S. 6 <sup>th</sup> Street McAletser, OK 74501	Witnessed the theft of merchandise from Alamo Liquor and witnessed the Deceased's actions prior to and during the flight from Alamo Liquor.
15	Alamo Clerk 2 205 S. 6 <sup>th</sup> Street McAletser, OK 74501	Witnessed the theft of merchandise from Alamo Liquor and witnessed the Deceased's actions prior to and during the flight from Alamo Liquor.
16	Megan Lehr 100 East Carl Albert Parkway McAlester, Oklahoma 74501	Was the dispatch operator during the events in question. Took the initial call from Alamo Liquor and performed dispatch duties throughout the chase at-issue and subsequent events.
17	Trooper David Medlin Kevin McClure, OBA #12767 <a href="mailto:kevin.mcclure@oag.ok.gov">kevin.mcclure@oag.ok.gov</a> <i>Attorney for Defendants Gray, McKee &amp; OHP</i>	Investigating trooper who produced the Oklahoma Department of Public Safety, Oklahoma Highway Patrol Investigation. Will authenticate report and explain methods and conclusions.
18	Potential Expert Witness	Expert in police decision-making and training. Will offer opinions and conclusions regarding actions by officers and troopers involved.
19	Trooper Garrett Gray Gary J. James, OBA #12718 <a href="mailto:gary@garyjameslaw.com">gary@garyjameslaw.com</a> <i>Attorney for Defendants Gray &amp; McKee, individually</i> Kevin McClure, OBA #12767 <a href="mailto:kevin.mcclure@oag.ok.gov">kevin.mcclure@oag.ok.gov</a> <i>Attorney for Defendants Gray, McKee &amp; OHP</i>	Responded to vehicle pursuit call; observed Plaintiff's decedent left of center, driving at a high rate of speed, striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent; fired on Plaintiff's decedent.
20	Trooper James McKee Gary J. James, OBA #12718 <a href="mailto:gary@garyjameslaw.com">gary@garyjameslaw.com</a> <i>Attorney for Defendants Gray &amp;</i>	Responded to vehicle pursuit call; observed Plaintiff's decedent left of center, driving at a high rate of speed, striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent; fired on

	<i>McKee, individually</i> Kevin McClure, OBA #12767 <a href="mailto:kevin.mcclure@oag.ok.gov">kevin.mcclure@oag.ok.gov</a> <i>Attorney for Defendants Gray, McKee &amp; OHP</i>	Plaintiff's decedent.
21	Trooper Brad Wilson Kevin McClure, OBA #12767 <a href="mailto:kevin.mcclure@oag.ok.gov">kevin.mcclure@oag.ok.gov</a> <i>Attorney for Defendants Gray, McKee &amp; OHP</i>	Responded to vehicle pursuit call; observed Plaintiff's decedent left of center, driving at a high rate of speed, striking the OHP vehicles, and accelerating towards a trooper; observed Troopers fire on Plaintiff's decedent.
22	Paul Dean	Owner of the house where the car was hit and a bullet went through his living room window.
23	Bobby Lenardo	Witnessed the collision, acceleration towards Troopers and Trooper fire on Plaintiff's decedent from Jerry Pool's front yard.
24	Michael Maratta 918-319-7701	Witnessed the collision, acceleration towards Troopers and Trooper fire on Plaintiff's decedent; had his fence damaged from the deceased running into it. This witness felt that the driver endangered his family and the officers and the officers did what they were supposed to do.
	All Witnesses listed by Plaintiff not objected to by this Defendant.	
	All Witnesses listed by Co-Defendants not objected to by this Defendant.	
	Discovery is ongoing. This Defendant reserves the right to amend this Witness List	

Respectfully submitted,

STEIDLEY & NEAL, PLLC  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the \_15th\_\_ day of August, 2022, I electronically transmitted the above and foregoing document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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/s/ Sean M. McKelvey